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Virginia

July 18, 1991

RECEIVED

JUL 18 1991

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

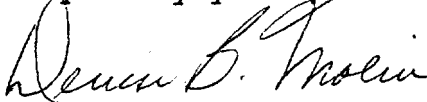
Re: Petition for Rule Making
Amendment of FM Table of Allotments
WHYB-FM, Peshtigo, Wisconsin
M&A #15127

Dear Ms. Searcy:

On behalf of Good Neighbor Broadcasting, Inc., Permittee of Station WHYB-FM, Peshtigo, Wisconsin, there is transmitted herewith an original plus five (5) copies of a Petition for Rule Making to Amend the FM Table of Allotments to substitute Channel 242C2 for Channel 241A at Peshtigo, Wisconsin.

Should there be any question regarding the attached Petition, please contact the undersigned.

Very truly yours,


Denise B. Moline

DBM:wp
Attachment

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

RECEIVED

JUL 18 1991

In re)
)
Amendment of §73.202(b))
Table of Allotments)
FM Broadcast Stations)
)
(Peshtigo, Wisconsin))

RM - _____

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Good Neighbor Broadcasting, Inc., ("GNB") by Counsel, and in compliance with §1.420 of the Commission's Rules, hereby respectfully submits the instant Petition for Rule Making to amend the Commission's FM Table of Allotments to substitute Channel 242C2 for Channel 241A at Peshtigo, Wisconsin, and to modify the permit of Good Neighbor Broadcasting, Inc. for operation on the upgraded frequency. In support whereof, the following is shown:

1. GNB is the Permittee of FM Station WHYB-FM, Peshtigo, Wisconsin, and is presently authorized to construct and operate that station on Channel 241A. In January of 1990, GNB filed an application for modification of its transmitter site, and for a power increase to 6 kW. (BPH-900130IE) The reason for the modification was that GNB's original site became unavailable. However, the new site proposed by GNB is now short-spaced to a recent upgraded channel allocation for Station WJPW (FM) at De Pere, Wisconsin as a result of a recent Commission decision in MM

Docket No. 89-282.¹

2. As demonstrated in the Engineering Exhibit attached hereto, substitution of Channel 242C2 for 241A at Peshtigo would relieve the short-spacing situation between the presently-proposed site at Peshtigo, (which is the only site available to GNB which will meet both FCC and FAA requirements) and the De Pere allocation for WJPW (FM), and would permit GNB to provide greater service than previously contemplated on its original frequency.

3. The instant substitution of Channel 242C2 for 241A at Peshtigo is conditional upon the allocations ordered by the Commission in MM Docket 89-282. WEZR (FM), Brillion, Wisconsin has been ordered to change its frequency from 242A to 298A; WOMA (FM), Algoma, Wisconsin has been ordered to change its frequency from 243A to 244C3. However, no other allocations changes will be required as a result of the instant substitution, and the proposed facility will not interfere with the operation of any other existing or proposed facility, or with any other allocation.

4. The proposed site for the substituted frequency is that currently on file by GNB in connection with its above-referenced

¹Because GNB's presently proposed site is not now usable because of the Commission's action in MM Docket No. 89-282, it is anticipated that GNB's application will be returned as unacceptable. GNB is filing, simultaneously with this Petition, an Application for Extension of Time to Construct its facility, pending Commission action with respect to the instant Rule Making proceeding. In view of the lengthy period during which GNB has been unable to build its station due to circumstances beyond its control (i.e., the loss of its site, and action in the De Pere, Wisconsin Rule Making proceeding) expedited action on this Petition is respectfully requested.

modification application.

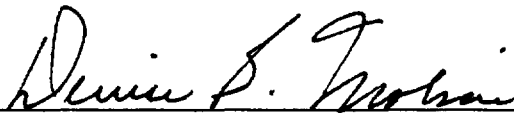
5. Since the proposed substitution would relieve an existing short-spacing between GNB's present site and Station WJPW, and since the proposed upgrade would provide greater wide-area service to the Peshtigo, Wisconsin area, the instant proposal would be in the public interest.

WHEREFORE, the foregoing considered, GNB respectfully requests that the Commission GRANT the instant Petition, AMEND the FM Table of Allotments as shown below, and MODIFY the permit for WHYB-FM to permit operation on the upgraded channel.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Peshtigo, WI	241A	242C2

Respectfully submitted,

GOOD NEIGHBOR BROADCASTING, INC.

By: 
Denise B. Moline
Its Attorney

McCabe & Allen
9105B Owens Drive
P.O. Box 2126
Manassas Park, VA 22111

(703) 361-2278

July 18, 1991

ENGINEERING EXHIBIT FOR
GOOD NEIGHBOR BROADCASTING, INC.
PESHTIGO, WISCONSIN

This engineering exhibit was prepared in support of a petition for rulemaking being filed by Good Neighbor Broadcasting, Inc., to amend 47 CFR 73.202 as follows.

Presently, Peshtigo, Wisconsin is allotted FM channel 241A. Good Neighbor Broadcasting proposes that the allotment of channel 242C2 be substituted for channel 241A at Peshtigo and that the permit of WHYB (FM), Peshtigo be modified to specify operation on 242C2 rather than 241A. Good Neighbor Broadcasting is the permit holder for WHYB.

Good Neighbor Broadcasting will file an FCC form 301 reflecting this change as soon as the allocation is modified.

Please note that this proposal will relieve the existing 241A 6 KW class-A short-spacing with the allocation of channel 240C3 at De Pere, WI (MM Docket 89-282) and allow the station upgrading at De Pere (WJPW) to select from a much larger allowable transmitter site area than it now enjoys.

The Peshtigo upgrade proposed herein is contingent upon WEZR, Brillion, Wisconsin moving from 242A to 298A and WOMA, Algoma, Wisconsin moving from 243A to 244C3 as ordered in MM 89-282. Since these changes have already been ordered by the FCC, no allocation changes are necessary other than the one requested at Peshtigo.


Mueller Broadcast Design613 S. LaGrange Rd
LaGrange, IL 60525

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Peshtigo , WI	241A	242C2

The proposed 242C2 reference point at Peshtigo is that currently on file with the Commission in BMPH-900130IE. That application was blocked by 89-282 until this month, and Good Neighbor Broadcasting is amending it to comply with the Report and Order. The petitioner already has site certification for this site and will promptly modify its application to specify 242C2 facilities when this proposal is granted. The attached tabulation and site area map shows that this proposal complies with the required minimum spacings per 47 CFR 73.207, Table A.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

May 29, 1991


Mark A. Mueller

ALLOCATION STUDY FOR 242C2

PESHTIGO,

WISCONSIN

Mueller Broadcast Design

613 S. LaGrange Rd
LaGrange, IL 60525

FM Channel Search for: Peshtigo, WI

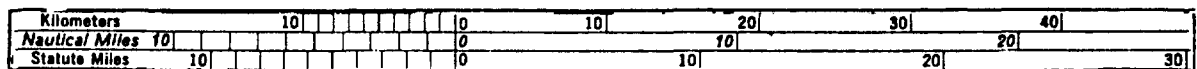
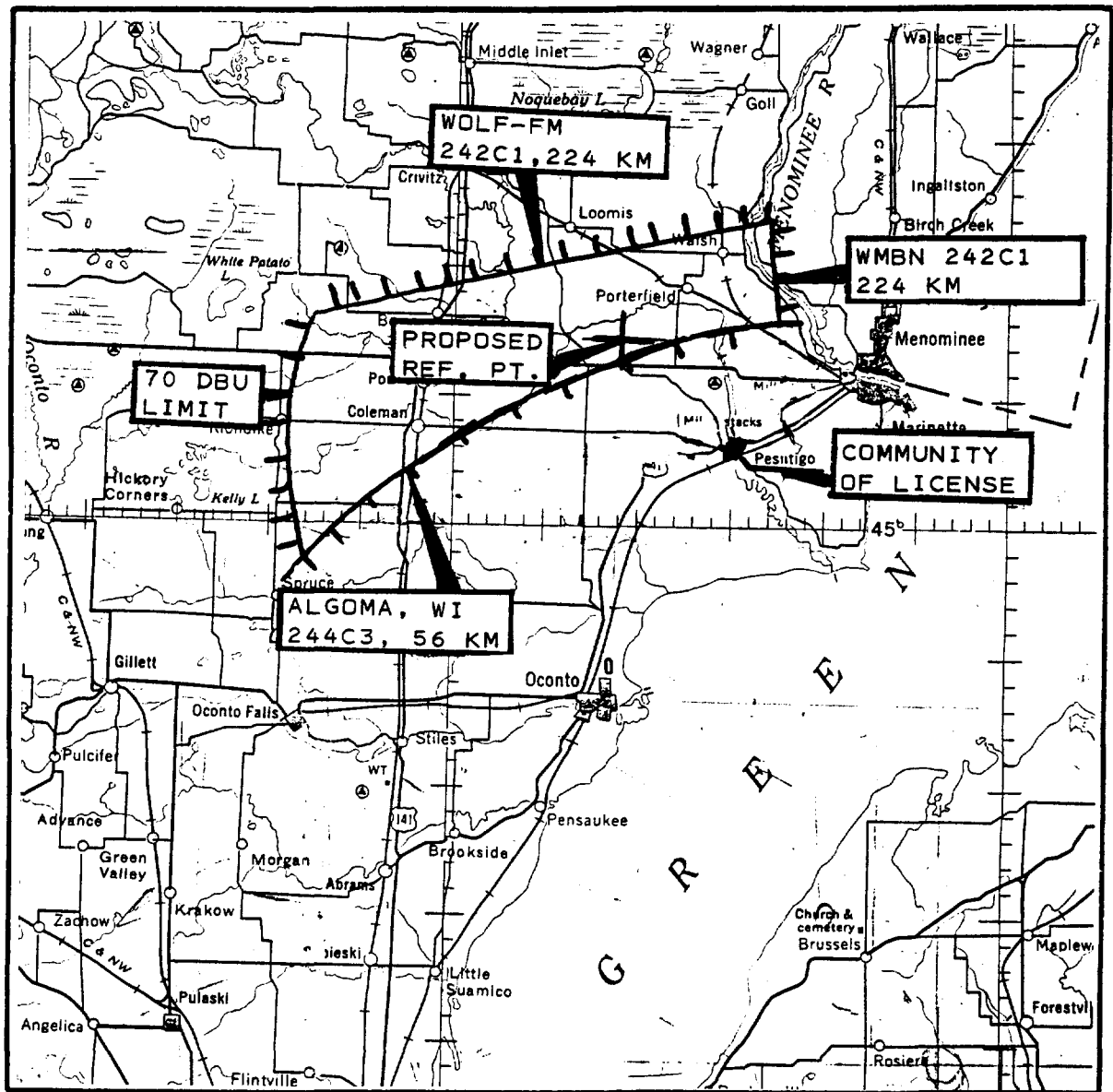
Coordinates used: 45 7 19 - 87 51 7

NOTE: All distances are in Kilometers. Any stations which
clear by more than 100 KM are not included in list.

Study for channel 242 -C (96.3) at Peshtigo, WI.

CH#	Call File	Location	Class	Actual	FCC	Notes
-----Spacing-----						
239 (95.7 MHz)						
WHWL	LIC	MARQUETTE	MI	C1	156.6	77 Class C2
240 (95.9 MHz)						
WJLW	DEL	TO 240C3:DE PE	WI	A	71.2	55 Class C2
WJLW	ORD	240A DE PERE	WI	C3	82.6	56 Class C2
WTHM	DEL	GLEN ARBOR	MI	A	148.3	55 Class C2
PRM	DEL	GLEN ARBOR	MI	A	148.3	55 Class C2
WMMH	CP	MINOCQUA	WI	C1	165.5	77 Class C2
241 (96.1 MHz)						
WHYB	CP	PESHTIGO	WI	A	14.0	SUBJECT
WHYB	APP	PESHTIGO	WI	A	0.0	SUBJECT
RM		PLYMOUTH	WI	A	152.8	106 Class C2
WYURFM	DEL	RIPON	WI	A	160.4	106 Class C2
RM	DEL	RIPON	WI	A	160.4	106 Class C2
WYURFM	DEL	RIPON	WI	A	160.4	106 Class C2
242 (96.3 MHz)						
WEZR	DEL	TO 298A :BRILL	WI	A	103.5	115 TO 298A
WMBNFM	LIC	PETOSKEY	MI	C1	234.8	224 Class C2
WOLFFM	CP	HOUGHTON	MI	C1	230.4	224 Class C2
WMLI	CP	SAUK CITY	WI	B1	254.3	200 Class C2
WMLI	LIC	SAUK CITY	WI	B1	272.3	200 Class C2
243 (96.5 MHz)						
WOMA	DEL	TO 244C3:ALGOM	WI	A	56.5	72 TO 244C3
WKLH	LIC	MILWAUKEE	WI	B	225.1	164 Class C2
244 (96.7 MHz)						
	ALL	CRANDON	WI	A	96.0	55 Class C2
WUSW	DEL	TO 245A :OSHKO	WI	A	123.8	55 Class C2
WOMA	ORD	243AALGOMA	WI	C3	56.9	56 Class C2
245 (96.9 MHz)						
WUSW	ORD	244A OSHKOSH	WI	A	123.8	55 Class C2
295 (106.9 MHz)	All stations clear by more than 100 KM.					
296 (107.1 MHz)	All stations clear by more than 100 KM.					

MAP SHOWING ALLOCATION OF CHANNEL
 242C2
 PESHTIGO, WISCONSIN



NOTE: ASSUMES SUCCESSFUL RESOLUTION OF MM DOCKET 89-282

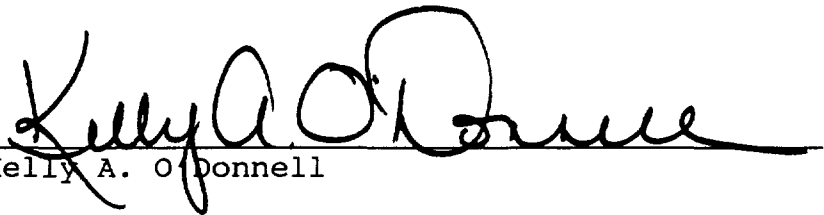
SCALE 1:500000

FIGURE

CERTIFICATE OF SERVICE

I, Kelly A. O'Donnell, secretary in the law firm of McCabe & Allen, hereby certify that I have caused to be served, this 18th day of July, 1991, a copy of the foregoing "Petition for Rule Making" by hand delivery on the following:

Andrew J. Rhodes, Chief
Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554


Kelly A. O'Donnell